



U.S. Department of Justice

Jeffrey A. Taylor  
United States Attorney

*District of Columbia*

---

*Judiciary Center  
555 Fourth St., N.W.  
Washington, D.C. 20530*

On September 22, 2008, in the pending United States civil forfeiture suit against approximately \$53 million and other real property, Golden Panda Ad Builder and Clarence Busby, Jr. filed a Consent Motion to Dismiss their claims. In their Motion, Golden Panda and Clarence Busby agreed (1) to withdraw their claims to funds seized by the United States, (2) to stop doing business under the 100+% "rebate" model it copied from ASD, and (3) to aid the United States in acquiring possession of additional Golden Panda funds that were secured when Golden Panda was operating under the ASD rebate model. Golden Panda also has agreed to provide information to the government concerning its former membership, and to send all participants' uncashed checks in its possession to the government (along with information about the accounts from which checks were drawn).

The government has alleged that the Golden Panda funds it seized and sued constituted proceeds of several federal criminal offenses – including a wire fraud scheme involving unregistered securities. The government intends to pursue its forfeiture case against the funds it obtained from Golden Panda, and to perfect the forfeiture of the Golden Panda funds as quickly as possible. Although the withdrawal of Golden Panda's prior challenge to the forfeiture case should expedite that portion of the lawsuit involving funds seized from its accounts, the forfeiture process is not yet completed.

Meanwhile, individuals who sent money to Golden Panda and suffered a pecuniary loss may file petitions for remission or mitigation of the forfeiture directly with the Department of Justice. Under Section 9.8(a)(1) and (2) of Title 28 of the Code of Federal Regulations, in a petition for remission or mitigation of forfeiture a non-owner victim must demonstrate that it suffered a pecuniary loss of a specific amount directly caused by the criminal offense underlying the forfeiture, or a related offense, and that the loss is the direct result of the criminal acts.

The Department of Justice will work with the records it receives to build a database of former members of Golden Panda. The Department will endeavor to contact members with information about how they may properly file petitions for remission or mitigation with the Department (in writing and under oath). We may employ individuals or entities to assist us in identifying potential petitioners, assisting them in filing petitions, and resolving every petition we receive. To expedite this process – and in case the records we receive are incomplete or out of date – every potential petitioner may want to provide us with current contact information directly, preferably by emailing information to us at [usadc.adsurfdaily@usdoj.gov](mailto:usadc.adsurfdaily@usdoj.gov). (If you already provided such information to us, by email or letter, you need not do so again.) Future petitioners'

contact information should include, at minimum, full names, member numbers, total funds paid to Golden Panda, and methods of payment to Golden Panda.

The United States will not have access to any funds before the forfeiture of the Golden Panda funds is concluded, and a forfeiture order issues from the Court.